

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38506 of 2004

P.Ramakrishnan

... Petitioner

vs

1.State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Fort St. George,
Chennai-600 009.

2.Director General of Police,
Mylapore,
Chennai-600 004.

3.Inspector General of Police,
Technical Services,
Police Communication,
Chennai.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to restructure the Radio / Telecommunication Wing of the Police Department as per the statement made by the Hon'ble Chief Minister on the Floor of the Tamil Nadu Legislative Assembly on 10.4.1995 and as reiterated by the letter of the first respondent dated 30.3.2004 bearing Reference No.94015/Pol.1/2003-7 and thereby promote the petitioner to the post of Police Radio Officer/Director, Police Communication.

For Petitioner : Mr.K.Ashok Kumar for
Mr.J.Viswanathan.

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to restructure the Radio / Telecommunication Wing of the Police Department as per the statement made by the Hon'ble Chief Minister on the Floor of the Tamil Nadu Legislative Assembly on 10.4.1995 and as reiterated by the letter of the first respondent dated 30.3.2004 bearing Reference No.94015/Pol.1/2003-7 and thereby promote the writ petitioner to the post of Police Radio Officer/Director, Police Communication.

2. First of all, the statement made before the Floor of the Legislative Assembly by the Hon'ble Chief Minister would not constitute a ground for the writ petitioner to claim the benefit of promotion. Such a statement, if at all, made by the Hon'ble Chief Minister before the Floor of the Legislative Assembly, the same must be issued by way of a Government Order.

3. However, the learned counsel for the writ petitioner states that the Government Order issued in G.O.Ms.No.1074, Home (Police-II) Department, dated 19.7.1995. The said Government Order states that the designation of the Police Wireless Officer was ordered to be changed to Police Ratio Officer and further the post of Police Radio Officer in the Police Department be upgraded to the level of Chief Engineer in the time scale of pay of Rs.5,100-150-5,700 and be re-designated as Director, Police Telecommunication. Thus, the above Government Order is in relation to the re-designation of a post and there is no whisper about the grant of promotion to a particular cadre.

4. Promotion can never be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee. Whenever, panel for promotion is prepared for a post, then all the eligible persons are to be considered for inclusion of their names in the panel. However, mere inclusion will not confer any right for promotion. The Rules and the Regulations are to be followed strictly at the time of grant of promotion.

5. This being the factum, the very relief, as such, sought for in the present writ petition deserves no merit consideration. In respect of restructuring of the Radio / Telecommunication Wing of the Police Department, it is the policy decision of the Government and the learned Government Advocate made a submission that the restructure of the Police

Radio Wing had already been done and several developments were made on account of the technological developments in the Police Radio Wing of the Department.

6. This being the facts now placed before this Court, the relief, as such, sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Secretary,
State of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Mylapore, Chennai-600 004.

3.Inspector General of Police,
Technical Services,
Police Communication, Chennai.

+1 cc to Mr.K.Ashok Kumar, Advocate Sr.No.2360

+1 cc to The Government Pleader, Sr.No.2752

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VGI (CO)
CSL/06.02.2019

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